

Message Text

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ACTION EUR-12

INFO OCT-01 NEA-10 ISO-00 IO-13 CIAE-00 DODE-00 PM-05
H-01 INR-10 L-03 NSAE-00 NSC-05 PA-01 SP-02
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AMEMBASSY LONDON
AMCONSUL MUNICH
AMEMBASSY PARIS
AMEMBASSY OTTAWA
AMEMBASSY SOFIA
AMEMBASSY TEL AVIV
AMEMBASSY WARSAW
USICA WASHDC
USMISSION USNATO
AMEMBASSY PRAGUE

C O N F I D E N T I A L MOSCOW 09244

E.O. 11652: XGDS-4
TAGS: PINS, SHUM, UR
SUBJECT: GINZBERG AND ORLOV TRIALS- SHCHARANSKIY'S LAWYER
PROBLEMS

REF: (A) MOSCOW 4715, (B) MOSCOW 5579

SUMMARY: LAWYERS FOR GINZBERG AND ORLOV SAY TRIALS FOR
BOTH MEN MAY BEGIN IN LATE MAY, ALTHOUGH THERE IS NO
OFFICIAL NEWS OF PROGRESS IN EITHER CASE. THE DEBATE
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CONTINUES IN THE REFUSENIK COMMUNITY OVER WHETHER
SHCHARANSKIY'S FAMILY SHOULD ACCEPT A SOVIET LAYWER. STILL
NO INFORMATION OR SPECULATION ABOUT A SHCHARANSKIY TRIAL.
END SUMMARY.

1. A DISSIDENT SOURCE TOLD US APRIL 26 THAT HE TALKED WITH
MRS. GINZBERG THIS WEEK, AND SHE TOLD HIM THAT ALTHOUGH

NO PRECISE DATE HAD BEEN SET FOR HER HUSBAND'S TRIAL, HIS LAWYER EXPECTED THE CASE COULD GO TO COURT BY THE END OF MAY. ORLOV'S LAWYER REPORTEDLY CLAIMS HIS CLIENT'S TRIAL WILL ALSO BEGIN IN LATE MAY. OUR SOURCE NOTES, HOWEVER, THAT THERE HAS BEEN NO OFFICIAL INDICATION OF PROGRESS IN EITHER CASE AND THE LAWYERS ARE PROBABLY ONLY SPECULATING ABOUT TRIAL DATES.

2. WE UNDERSTAND THAT THE DISPUTE CONTINUES IN THE JEWISH REFUSENIK COMMUNITY OVER HOW THE SHCHARANSKIY FAMILY SHOULD PROCEED ON THE ISSUE OF SELECTING A DEFENSE LAWYER. ACCORDING TO A NON-JEWISH DISSIDENT SOURCE, SOME REFUSENIKS ARE ADAMANT THAT ONLY A FOREIGN LAWYER BE SELECTED TO DEFEND SHCHARANSKIY, ON THE GROUNDS THAT NO SOVIET LAWYER WHO THE AUTHORITIES WILL PERMIT TO TAKE THE CASE WILL PROVIDE MORE THAN A SHAM DEFENSE. OTHER REFUSENIKS SIDE WITH HUMAN RIGHTS ACTIVISTS WHO RECOMMEND THAT THE FAMILY ACCEPT A RELATIVELY GOOD SOVIET LAWYER OF THEIR OWN CHOOSING RATHER THAN INSIST ON THE IMPOSSIBLE AND END UP WITH A COURT APPOINTED ATTORNEY WHO PROBABLY WOULD NOT DEFEND SHCHARANSKIY AT ALL WELL.

3. IN A RECENT PHONE CONVERSATION BETWEEN SHCHARANSKIY'S WIFE IN THE US AND HIS MOTHER IN MOSCOW, THE FORMER REPORTEDLY RESTATED HER INSISTANCE THAT ONLY A FOREIGN LAWYER BE ALLOWED TO DEFEND SHCHARANSKIY. WE ARE TOLD THAT IDA MILGROM (THE MOTHER) IS UNDECIDED, BUT AS IT IS CONFIDENTIAL

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SHCHARANSKIY'S EXPRESSED WISH THAT THE TWO WOMEN AGREE ON A LAWYER SELECTED, "HARD LINERS" (WITH WHOM OUR SOURCE DISAGREES) IN THE REFUSENIK COMMUNITY INSIST THAT THERE SHOULD BE NO FURTHER DISCUSSION OF THE MATTER AND REJECT OUT OF HAND THE POSITION OF "MORE MODERATE" REFUSENIKS AND DISSIDENTS WHO WANT TO ENCOURAGE A COMPROMISE ON A "GOOD" SOVIET LAWYER. THE "HARD LINERS" ARE ALLEGEDLY CLAIMING THAT NON-JEWISH DISSIDENTS HAVE NO BUSINESS INTERFERING, AS THEY "CANNOT FULLY UNDERSTAND SHCHARANSKIY'S PLIGHT BECAUSE THEY ARE NOT JEWISH." OTHER DISSIDENTS RESPOND THAT SHCHARANSKIY IS FIRST A HUMAN RIGHTS ACTIVIST, AND ONLY SECONDLY A JEW, AND THE FAMILY SHOULD LISTEN TO ALL ADVICE IN MAKING ITS DECISION.

4. THERE CONTINUES TO BE NO NEWS WHATEVER ABOUT A SHCHARANSKIY TRIAL. DISSIDENT SOURCES HAVE HEARD NOTHING AND ARE NOT SPECULATING ABOUT A POSSIBLE TRIAL DATE.

5. COMMENT: THE SHCHARANSKIY LAWYER DEBATE CLEARLY HAS BECOME AN OBSTACLE TO COOPERATION BETWEEN HUMAN RIGHTS DISSIDENTS AND REFUSENIKS, AND CASTS SOME DOUBT ON THE ABILITY OF THE JEWISH REFUSENIK COMMUNITY AS A

WHOLE TO LOOK MUCH BEYOND THE EMIGRATION ISSUE. SOME
REFUSENIKS WISH TO BROADEN THEIR PARTICIPATION IN THE
STRUGGLE FOR HUMAN RIGHTS IN GENERAL, BUT ESTABLISHMENT
OF A STRONG COALITION OF REFUSENIKS AND DISSIDENTS
(REF A) WOULD REQUIRE OVERCOMING SOME IMPORTANT AND DEEP-
SEATED DIFFERENCES IN PERCEPTIONS. TOON

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